

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

| | | |
|-----------------------------------|---|---------------------------|
| Select Financial Services, LLC, |) | C/A No.: 7:05-cv-2647-GRA |
| |) | |
| Plaintiff, |) | ORDER |
| |) | (Written Opinion) |
| v. |) | |
| |) | |
| Penland Financial Services, Inc., |) | |
| Charles Penland and Penco, Inc. |) | |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |

This matter is before the Court on Defendant Charles Penland's "Motion to Dismiss Fraud as Charged in Case #2647-GRA" and "Motion to Dismiss Due to Disability of Judge" filed on June 26, 2008. Counsel for Plaintiff filed a return to the motions on July 7, 2008.

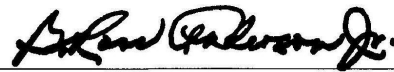
Defendant filed these motions *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

On March 25, 2008, this Court issued an Order which decided ten pending motions filed by the parties in this case. The defendant filed a notice of appeal with the Fourth Circuit Court of Appeals on April 15, 2008. This Court is of the opinion

that the Fourth Circuit's determination of the defendant's appeal could affect the outcome of the instant motions filed by Mr. Penland. Therefore, it will hold the case in abeyance until the Fourth Circuit renders its decision in the appeal filed by the defendant.

IT IS THEREFORE ORDERED that this case shall be HELD IN ABEYANCE.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

Anderson, South Carolina
July 22, 2008

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this Order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified within Rule 4, will waive the right to appeal.